REMARKS

Applicant has carefully studied the outstanding Official Action mailed on March 3, 2009. This response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

A new declaration is submitted herewith to overcome the defective declaration.

The specification has been amended to include the priority information and to correct the reference to DACRON.

The drawings stand objected under 37 CFR §1.84(p)(5). They have been corrected to include reference number 93 in Figs. 9A-9D. Corrected drawings are submitted herewith.

Claims 1, 4-6 and 8 stand rejected under 35 USC §102(e) as being anticipated by Feng et al. (US 6752754).

Claims 2-3 stand rejected under 35 USC §103(a) as being unpatentable over Feng et al. (US 6752754) in view of Brooks et al. (US 4967844).

Claim 7 stands rejected under 35 USC §103(a) as being unpatentable over Feng et al. (US 6752754) in view of Carter et al. (US 5593443).

Claims 9-12 stand rejected under 35 USC §103(a) as being unpatentable over Feng et al. (US 6752754) in view of Kagan et al. (US 2004/0092892).

In the rejection in view of Kagan et al., Examiner cites paragraph [0276]:

"[0276] In one example of the fixation system 430 shown in FIG. 23A, the attachment means 424 is configured with a plurality of clip rings 426 mounted around the exterior of the gastrointestinal sleeve device 400 near the proximal opening 402. The clip rings 426 are configured with gaps in the rings that allow the rings to clip onto the exposed bare portions of the anchor ring 422 to hold the gastrointestinal sleeve device 400 in position. In other embodiments, the attachment means 424 may comprise magnets, clips, hooks, staples, sutures or other known fasteners."

Examiner also refers to paragraph [0355]:

"[0355] FIG. 42B shows an alternative fastener system 641 comprising an annular member 642 of rough segments 643 having hooks 644 coupled to smooth segments 645 that are made of a bioresorbable material. The rough segments 643 are coupled to the adjacent tissue wall and remain in place to support a load after the bioresorbable segments 645 have dissipated. This embodiment is thus simple to install, and enables each segment 643 to move independently of one another once the bioresorbable smooth segments 645 have dissipated."

It is respectfully pointed out that there is a structural difference between the instant invention and the cited art, as is best understood from the second to last paragraph on page 6:

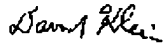
"In this embodiment, a casing 121 is provided, which may be cylindrical and closed at ends thereof by closure members 122 and 123. Fixation elements 124 and 125 may be disposed in casing 121 and sealed by closure members 122 and 123, respectively. Fixation elements 124 and 125 may include barbs 126 that can protrude through openings 127 formed in the peripheral wall of casing 121. In the position shown in Fig. 12C, the barbs 126 do not protrude through openings 127. In the position shown in Fig. 12D, fixation elements 124 and 125 have been moved (e.g., rotated, pulled or pushed, either manually or by some actuator) so that the barbs 126 now protrude through openings 127 and may fixedly grasp the anorectal wall."

Based on this part of the disclosure, claim 1 has been amended to recite that "said fixation elements are movable between first and second positions, wherein in the first position said fixation elements do not protrude from said casing and in the second position said fixation elements protrude from said casing". This structure is not found in the cited art. Furthermore, claims 13 and 14 have been added to recite further structural differences based on this part of the disclosure.

Accordingly, claims 1-14 are deemed allowable.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
DEKEL PATENT LTD.



David Klein, Patent Agent
Reg. No. 41,118
Tel +972-8-949-5334
Fax +972-8-949-5323
E-mail: dekelltd@netvision.net.il